

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Ernesto Santiago

Plaintiff

Vs.

Warden James F. Sherman, et al

Defendants

'06 JUN 22 AIO:25

CLERK
U.S. DISTRICT COURT

Case No. 05-153 Erie

District Judge McLaughlin

Magistrate Judge Baxter

PRETRIAL STATEMENT

I. Nature of action; Jurisdiction plaintiff brought suit against Defendants pursuant to 28 USC §1331 for the violation of plaintiffs Constitutional rights to have his legal papers in his possession, have Legal Mail Marked "Legal Mail/Special Mail" opened in his presence, have trial, sentencing etc. transcripts in his possession all which were/are for pending legal matters in violation of my right to access the courts under the Sixth Amendment to the U.S. Constitution and my due process rights under the Fifth Amendment.

II. Statement of Facts; Plaintiff alleges that the officials of McKean, PA BOP (Warden and staff abused a policy dated October 1, 2002 Regarding Program Statement 1351.05 Release of Information (9/19/02) to go on a rampage and take any and all legal material(s) they wanted. Plaintiff

alleges F.C.I. McKean Warden and staff ignored program statement, attorney cries, and even senators request as to the handling and confiscation of inmate's legal papers. Warden Sherman clearly expressed his view on August 11, 2004 saying verbatim, "An inmate may not possess trial transcripts, court dockets, briefs, and other legal documents." Clearly violating not only plaintiff but all inmates incarcerated at F.C.I. McKean who were challenging their convictions, civil rights ect.

III. Witness; Plaintiff will reserve the right to call as witnesses in the trial of the above-captioned matter, the following:

1. Richard Gardner #48206-066 (address unknown at the present time). Mr Gardner on 3/25/04 had his pre-sentence report and statement of reasons confiscated and given an incident report.
2. Daniel Flores #13935-424 (address unknown at the present time.) Mr. Flores on April 5th 2004 received legal mail in conjunction with his criminal case appeal motion and briefs which were both opened outside Mr. Flores' presence but read all in violation of his constitutional rights as these brief(s) were for the seventh circuit Court of Appeals.
3. Donald G. Jr. Jackman #06804-068 (address unknown at present time). Mr. Jackmans legal documents were withheld, tampered and destroyed all which were/are for pending legal matters.
4. William Greek, Correctional officer (address unknown) officer Greek who was an unstable officer confiscated plaintiffs legal papers and destroyed them.
5. James F. Sherman (Warden) (address unknown) Warden Sherman ignored inmates pleas as to his legal papers and authorized McKean staff to run rampant confiscating inmates legal documents and destroying them.
6. N. Watson, Counselor (address unknown) Counselor Watson contributed to confiscated and destroying inmates legal documents. Mr. Watson also

gave you 30 days to review legal documents which is impossible to meet as you can't have access to ones legal documents until you see Unit Team.

7. Penny Lundgren, ISM, (address unknown). Ms. Lundgren confiscated plaintiffs legal document(s) and destroyed them.

8. D. Scott Dodrill (Regional Director) (address unknown). Mr. Dodrill authorized the continuance of this violation to continue at F.C.I. McKean.

9. Harrell Watts (address unknown). Mr. Watts did not address the issues and gave conflicting theories as to the process of legal papers allowing Warden Sherman and staff continuing the violation.

(At this time plaintiff has no witnesses deposition. However, plaintiff is seeking the courts permission to submit any deposition that plaintiff may be able to obtain and submit during the proceedings).

IV. Exhibits: Plaintiff has submitted Exhibits with his complaint and reserves the right to offer at trial (3) matter to be used solely for impeachment purposes.

V. Legal Issue; Plaintiff will be submitting motions in Limine before trial.

VI. Settlement Negotiations; Defendant has not requested a settlement conference.

VII. Trial Time; It is believed the trial of this matter will take three days.

Respectfully Submitted pro-se

Ernesto Santiago 6/19/06
Ernesto Santiago

Certificate of Service

I, Ernesto Santiago do hereby that service of a true and correct copy of the enclosed Pretrial Statement has been served to:

Clerk of Court
P.O. Box 1820
Erie, PA 16507

Paul E. Skirtich AUSA
700 Grant Street
Pittsburgh PA 15219

Via First Class Mail, Postage prepaid on June 19th, 2006

Respectfully Submitted

Ernesto Santiago 6/19/06
Pro-Se Ernesto Santiago